

Form 02 - SUITABLE AGE

AETNA CENTRAL JUDICIAL SERVICES

FARUQI & FARUQI, LLP**ATTN:**

U.S. SOUTHERN DIST, COURT NEW YORK COUNTY

TODD BAZZINI ETAL

plaintiff

Index No. 08 CIV 4530

- against -

Date Filed

CLUB FIT MANAGEMENT, INC. ET AL

defendant

Office No.

Court Date: / /

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

TONY DONADIO being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 20th day of May, 2008 11:35 AM at

%CLUB FIT MANAGEMENT, INC 580 NORTH STATE RD.

BRIAR CLIFF MANOR, NY

I served the SUMMONS AND COMPLAINT
JUDGES RULES

upon DAVID SWOPE

the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with

GLEN MCCARTHY---CO-WORKER

a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: MALE COLOR: WHITE HAIR: GREY AGE: 52 HEIGHT: 5:8 WEIGHT: 170

OTHER IDENTIFYING FEATURES:

On 05/22/2008 I deposited in the United States mail a true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said DEFENDANT at the above address. That address being actual place of employment of the DEFENDANT.

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns action against the person to be served.

That at the time of service as aforesaid, I asked person spoken to whether DEFENDANT was in the military service of the State of New York or United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service, and is not dependent on anyone in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me this
22nd day of May, 2008i

BRETT GOLUB
Notary Public, State of New York
No. 01G06129491
Qualified in NASSAU
Commission Expires 06/27/2009

TONY DONADIO
AETNA CENTRAL JUDICIAL SERVICES
225 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 7FF7128519